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| 10/797,272                       | 03/10/2004  | Brian S. Higgins     | 7340-010            | 2948             |
| 4678                             | 7590        | 03/04/2009           |                     |                  |
| MACCORD MASON PLLC               |             |                      | EXAMINER            |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

Regarding applicant's arguments that the specification illustrates an actual reduction to practice and thus reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention is not persuasive as the specification lacks sufficient detail of the embodiments or the actual reduction to practice. For example the reducing environments are classified with open ended ranges. The possible existence of working examples is noted, however, this is but one factor in makinga determination of enablement. The specification lists 7 parameters to increase the residence time and 4 parameters to increase the reducing potential in the flue gases. The specification has few details as to what values these parameters should be in order to enable the invention. Consequently the specification is not enabling as undue experimentation would be required. The applicant argues that the rejection is improper because it fails to produce the claimed limitations and changes the principle of Kindigs operation. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In response to applicant's argument that still missing is any suggestion of a method where *S03 is reduced to S02 to effectuate an overall decrease in S03 concentration and achievea desirable level of S03for optimizing precipitator function*, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. Examination on the merits has ended. It should be kept in mind that applicant cannot as a

matter of right, amend any finally rejected claims or add new claims after a final rejection (37 CFR 1.116). In the response the applicant has amended claims with no apparent justification. Additionally, the applicant has failed to provide good and sufficient reasons why the amendment is necessary and was not earlier introduced. (37 CFR 1.116(B)). Therefore the amendment will not be entered.

The information disclosure statement filed 1/15/09 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

/Kenneth B Rinehart/

Supervisory Patent Examiner, Art Unit 3743